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September 22, 2003

Office of the Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

Re: COMMENTS ON PROPOSED RULEMAKING TRADE REGULATION RULE CONCERNING LABELING AND ADVERTISING OF HOME INSULATION, 16 CFR Part 460, 68 FEDERAL REGISTER VOL. 68, NO. 135, PROPOSED RULES, JULY 15, 2003.

Dear Secretary:

In response to the above-referenced Notice of Proposed Rulemaking these comments are submitted on behalf of the Expanded Polystyrene Molders Association (herein referred to as "EPSMA"). EPSMA is a national trade association representing member companies engaged in the production and promotion of expanded polystyrene building insulation and construction products.

EPSMA recognizes the value of the Commission's Trade Regulation Rule: Labeling and Advertising of Home Insulation ("R-value Rule" or "Rule") (16 CFR Part 460) and its impact on both the competitive marketplace as well as consumers. We support the Rule's specific goal " . . . to provide consumers with information about thermal insulation products, based on uniform standards that allow them to make meaningful, cost-based purchasing decisions among competing products." As the Commission itself has recognized, continuing technological and subsequent standards developments warrant ongoing review.

Our comments will focus on section *V.C.1.a. Disclosing R-Values That Account for Factors Affecting R-Value. Aging. Cellular Plastics Insulations*. It is relevant to note that although several organizations continue to voice opposition to the adoption of ASTM C1303-00 "Standard Test Method for Estimating the Long-Term Change in the Thermal Resistance of Unfaced Rigid Closed-Cell Plastic Foams by Slicing and Scaling Under Controlled Laboratory Conditions" within the R-Value Rule, it is nonetheless heavily touted by many industry manufacturers and recognized experts and is now prominently featured on many manufacturer websites and in published literature when referencing the r-value for polyisocyanurate foam insulation.

Although the Commission's proposed rule and subsequent discussion on the validity of ASTM C1303 place significant emphasis on whether or not the r-value calculations in question pertain to faced or unfaced and/or permeably faced or unpermeably faced polyisocyanurate insulations, irregardless of the specific application, prior to considering incorporation of ASTM C1303 into the ASTM 1289 "Standard Specification for Faced Rigid Cellular Polyisocyanurate Thermal Insulation Board," polyiso insulation manufacturers typically referenced a singular value for thermal performance based in the RIC/TIMA 281-1. The r-value data now being reported by the majority of polyiso manufacturers is now considerably lower than what was previously reported using the RIC/TIMA 281-1 procedure, offering no clarification on the various market applications in question and do not indicate what test method is being used to derive said data.

If the intention of the R-Value Rule is to provide a basis of comparison, then a common ground test method must be agreed upon or be clearly indicated in conjunction with the data being offered. Otherwise, it is incumbent upon the consumer to become informed of the intricacies of both ASTM C1303-00, RIC/TIMA 281-1 and perhaps other test methodologies when used, to make a fair and unbiased purchasing decision. As an example, the Polyisocyanurate Manufacturers Association (PIMA)

website currently references the r-value for polyiso insulation board at almost 8.0 as compared to other insulation materials having much lower r-values, without referencing the thickness of the test samples or any test method (see http://www.pima.org/insulation.html). However, within the same website, PIMA heralds its transition to an 'Advanced Method For Determining Long-Term Thermal Resistance (LTTR)' and claims, "this method is based on consensus standards in both the United States and Canada and provides a 15-year time-weighted average LTTR." (See http://www.pima.org/pdf/LTTR.pdf.) Within several PIMA member websites, polyiso r-values reference a variety of test methods making a basis of comparison difficult.

Since it has been established that the current 180-day accelerated aging process does not account for the effects of long term aging of a product's r-value, EPSMA encourages the Commission to adopt a test method that provides more accurate and reliable information to the consumer. To provide a basis of comparison, which is the intent of the Rule, the current test method which has achieved the highest level of industry consensus is CAN/ULC S770, applicable to all un-faced or semi-permeable faced foam insulations that experience thermal drift over time. Consistent with the fundamental purpose of this important consumer information rule, EPSMA respectfully urges the Commission to substantially enhance the Rule by adopting the appropriate standard by which to measure long term r-value and which is currently upheld as being the most current and widely accepted test standard in practice.

Thank you for the opportunity to provide these comments.

Sincerely,

EPS MOLDERS ASSOCIATION

Betsy Steiner

Betsy Steiner
Executive Director

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